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*Attorneys for Plaintiffs Wells Fargo Bank,
N.A., and Federal National Mortgage
Association*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WELLS FARGO BANK, N.A.; FEDERAL
NATIONAL MORTGAGE ASSOCIATION;

Plaintiffs,

vs.

ELKHORN HIGH NOON HOMEOWNERS
ASSOCIATION, a Nevada Non-Profit
Corporation; and NEVADA ASSOCIATION
SERVICES, INC., a Nevada Corporation;

Defendants.

Case No. 2:17-cv-01496-RFB-NJK

**STIPULATION AND ORDER TO
DISMISS CASE**

It is hereby stipulated and agreed by and between Plaintiff Wells Fargo Bank, N.A. and Federal National Mortgage Association (“Fannie Mae”), through their respective counsel, the law firm of Snell & Wilmer L.L.P., and Defendant Elkhorn High Noon Homeowners Association (“Elkhorn HOA”), through its attorneys, Colli McKiever of Boyack Orme & Anthony, as follows:

1. The parties agree that this case should be dismissed as to Elkhorn HOA with prejudice. A Clerk’s Entry of Default has been entered against the other named defendant in the caption, Nevada Association Services, Inc. ECF No. 14. But Plaintiffs have yet to move for default judgment against the defendant. The case will therefore proceed against Nevada Association Services, Inc.

- 1 2. Each party shall bear its own attorneys' fees and costs associated with this action.
- 2 3. Title to the real property located at 9148 Forest Willow #101, Las Vegas, NV
- 3 89149, APN 125-20-112-208 ("the Property") is quieted, with respect to the interests of the
- 4 stipulating parties, to Wells Fargo.
- 5 4. On or about November 9, 2012, the HOA foreclosed the HOA Lien and acquired this
- 6 property via credit bid ("HOA Foreclosure Sale").
- 7 5. The Deed of Trust, recorded with the Clark County Recorder's Office on August
- 8 31, 2005, as Instrument No. 20050831-0003545, later assigned to Wells Fargo in an assignment
- 9 recorded with the Clark County Recorder's Office on August 4, 2011 as Instrument No.
- 10 201108040003103 ("the Fannie Mae Deed of Trust"), survived the HOA Foreclosure Sale, and
- 11 remains an encumbrance against the Property. The Fannie Mae Deed of Trust was in effect, in
- 12 place, and survived any purported foreclosure sale by the HOA.
- 13 6. Elkhorn HOA consents to the foreclosure sale of the Property under the Deed of
- 14 Trust if the Loan remains unpaid and/or otherwise in default. Elkhorn HOA further agrees not to
- 15 oppose any foreclosure proceedings on the Property brought by Wells Fargo, Fannie Mae, or
- 16 anyone else, and to the extent consent by Elkhorn HOA is required, agrees to promptly provide
- 17 such consent.
- 18 7. The notice of lis pendens filed against the Property is expunged.

19 Dated this 4th day of February, 2019

Dated this 4th day of February, 2019

20 SNELL & WILMER L.L.P.

BOYACK ORME & ANTHONY

21 /s/ Tanya N. Lewis

/s/ Colli C. McKiever

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Las Vegas, Nevada 89117

26 *Attorneys for Plaintiffs Wells Fargo Bank,*
27 *N.A., and Federal National Mortgage*
28 *Association*

Attorneys for Defendant Elkhorn High
Noon Homeowners Association

ORDER

1
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21 anyone else, and to the extent consent by Elkhorn HOA is required, agrees to promptly provide
22 such consent.

23 6. The notice of lis pendens filed against the real property is expunged.

24
25 IT IS SO ORDERED.



26
27 RICHARD F. BOULWARE, II
WP K/GF "UVCVGU" DISTRICT JUDGE

28 DATED February 22, 2019.

Respectfully submitted by:

SNELL & WILMER L.L.P.

/s/ Tanya N. Lewis

Robin E. Perkins, Esq.

Nevada Bar No. 9891

Tanya N. Lewis, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing **STIPULATION AND ORDER TO DISMISS CASE** with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED: February 4, 2019

/s/ Susan Ballif
An Employee of SNELL & WILMER L.L.P.

4832-2546-6715